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Attorney for Defendant Mark Schena

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

United States of America,

Plaintiff,

v.

Mark Schena,

Defendant.

CASE NO. 5:20-cr-00425-EJD

**FURTHER STATUS REPORT RE STATUS
OF COUNSEL**

TO THIS HONORABLE COURT AND TO THE GOVERNMENT AND ITS COUNSEL:

Counsel for Defendant Mark Schena hereby submits this status report as requested by the Court on October 7, 2021. Counsel advises that although Mr. Schena has continued to actively market his house with the assistance of professional realtors, including several public and private showings since the last court appearance on October 7, there has been no offer made relating to his house. Mr. Schena is continuing to attempt to sell the house with the purpose of obtaining the funds necessary to prepare for trial. As counsel stated previously, it is expected that the funds obtained through the sale would be sufficient for the purpose of trial preparation, although ultimately that is contingent on the final sale amount. Regardless, as the sale has not yet occurred, those funds are not available and without sufficient funds counsel cannot prepare for trial for the reasons previously indicated to the Court.

Additionally, the Court inquired about the possibility of allocating some funds under the Criminal Justice Act (CJA) for the purpose of some aspects of trial preparation for Mr. Schena. Current counsel

1 does not believe such funds, to the extent that they might be available for the purpose of retaining some
2 experts and/or investigators, would be sufficient to address the funding issue for counsel's own preparation.
3 Further, the Federal Public Defender previously represented Mr. Schena at his first appearance and thus it
4 is not anticipated that there are any conflict issues, including any that would ordinarily lead to the
5 expenditure of CJA funds for conflict counsel. Counsel for Mr. Schena can address any further inquiries
6 the Court may have regarding the status of current counsel, including *ex parte* if necessary regarding the
7 issue of funding for counsel's trial preparation.

8 Ultimately, as previously discussed, this is a unique situation and one that Mr. Schena has been
9 attempting to resolve for many months, including several price reductions in an effort to sell his home,
10 without current success. Given the Court's, the Government's, and Mr. Schena's own desire to move the
11 case to trial, and the absence of funds sufficient for current counsel to do so, it appears that that the way
12 forward is the reappointment of the Federal Public Defender to represent Mr. Schena. If there are later
13 material changes to Mr. Schena's financial situation, those can be addressed at that time.

14 Respectfully submitted,

15 DATED: October 21, 2021

GREENBERG TRAURIG, LLP

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17 By: /s/ Todd Pickles
18 Todd Pickles
19 Attorney for Defendant Mark Schena
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